

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>IN RE: DDAVP INDIRECT PURCHASER</b>	<b>:</b>	<b>No. 05 Civ. 2237 (CS)</b>
<b>ANTITRUST LITIGATION</b>	<b>:</b>	
-----	<b>:</b>	<b>HON. CATHY SEIBEL, U.S.D.J.</b>
	<b>:</b>	
<b>THIS DOCUMENT RELATES TO:</b>	<b>:</b>	
	<b>:</b>	
<b>ALL ACTIONS</b>	<b>:</b>	
-----X		

**DECLARATION OF PATRICK E. CAFFERTY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT  
OF EXPENSES FILED ON BEHALF OF  
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP**

I, Patrick E. Cafferty, declare and state as follows:

1. I am a partner of the law firm of Cafferty Clobes Meriwether & Sprengel LLP, co-counsel to Plaintiffs in this litigation. I am over 18 years of age and competent to testify as to the matters and facts set forth herein. I submit this Declaration in support of Plaintiffs' Motion For An Award Of Attorneys' Fees And Reimbursement Of Expenses, concerning services rendered and expenses incurred by my firm in connection with this litigation on behalf of Plaintiffs. The matters stated in this declaration are true based on my personal knowledge. If called upon to testify about them, I will competently do so.

2. During the period January 1, 2005 through August 30, 2013, my firm was involved in all aspects of this this litigation as co-lead counsel, including: (1) investigation and pleadings; (2) discovery procedures; (3) briefing and motion practice; (4) appellate practice; and (5) settlement procedures.

3. The schedule attached hereto as **Exhibit 1** is a detailed summary showing the number of hours my firm spent prosecuting this litigation during the period January 1, 2005 through August 30, 2013. The schedule shows the number of hours broken down by partner, attorney or other professional support staff member, multiplied by current billing rates. For personnel who are no longer with my firm, the lodestar calculation is based upon the billing rates for such personnel during his or her final year with my firm. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm and which are available for review by the Court.


4. The hourly rates for the partners, attorneys and professional support staff in my firm included in **Exhibit 1** are the same as the usual and customary hourly rates charged for their services in non-contingent billable matters and/or which have been accepted and approved in other class action litigation.

5. From January 1, 2005 through August 30, 2013, my firm expended a total of 544.5 hours in connection with the prosecution of this litigation on behalf of Plaintiffs. My firm's total lodestar for this period is \$257,189.00. As noted, my firm's lodestar figure is based on current billing rates for current personnel and the last hourly rate for former personnel.

6. From January 1, 2005 through August 30, 2013, my firm incurred a total of \$14,113.68 in unreimbursed expenses in connection with the prosecution of this litigation on behalf of Plaintiffs, as detailed in **Exhibit 2**.

7. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from contemporaneously maintained expense vouchers, check records and other source materials, and they represent an accurate recordation of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America and on personal knowledge that the foregoing is true and correct, and that this declaration was executed this 3<sup>rd</sup> day of October, 2013 at Ann Arbor, Michigan.



Patrick E. Cafferty

**EXHIBIT 1****IN RE: DDAVP INDIRECT PURCHASER ANTITRUST LITIGATION****LODESTAR REPORT****FIRM NAME: CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP****REPORTING PERIOD: INCEPTION THROUGH AUGUST 30, 2013****Categories:****[1] Pretrial Procedures****[3] Appeal****[2] Discovery and Investigation****[4] Settlement**

<b>Attorney</b>	<b>[1]</b>	<b>[2]</b>	<b>[3]</b>	<b>[4]</b>	<b>Total Hours</b>	<b>Current or Last Hourly Rate</b>	<b>Total Lodestar at Current Rate</b>
Marvin A. Miller (P)	4.1	0.4	0.0	0.0	4.5	\$610.00	\$2,745.00
Patrick E. Cafferty (P)	147.1	28.6	24.1	61.4	261.2	\$690.00	\$180,228.00
Ellen Meriwether (P)	2.5	0.0	0.8	0.0	3.3	\$690.00	\$2,277.00
Bryan Clobes (P)	0.0	0.8	0.8	0.0	1.6	\$690.00	\$1,104.00
Michael S. Tarringer (P)	1.0	0.0	3.3	0.0	4.3	\$630.00	\$2,709.00
William R. Kane (P)	0.6	0.0	0.0	0.0	0.6	\$510.00	\$306.00
Nancy Glidden (CA)	0.0	223.0	0.0	0.0	223.0	\$265.00	\$59,095.00
Kay Pulido (PL)	5.8	0.0	0.0	0.0	5.8	\$190.00	\$1,102.00
Sharon Nyland (PL)	0.8	0.0	0.0	0.0	0.8	\$235.00	\$188.00
Tricia Belanger (PL)	0.2	19.0	0.0	0.0	19.2	\$140.00	\$2,688.00
Kathy Hollenstine (PL)	0.5	18.2	0.0	0.0	18.7	\$235.00	\$4,394.50
Kelly McDonald (PL)	0.0	0.0	1.5	0.0	1.5	\$235.00	\$352.50
<b>TOTALS</b>	162.6	290.0	30.5	61.4	544.5		<b>\$257,189.00</b>

(P) Partner; (CA) Contract Attorney, (PL) Paralegal

## **EXHIBIT 2**

**IN RE: DDAVP INDIRECT PURCHASER ANTITRUST LITIGATION**

### **DISBURSEMENT REPORT**

**FIRM NAME: CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP**

**REPORTING PERIOD: INCEPTION THROUGH AUGUST 30, 2013**

<b>Disbursement</b>	<b>Amount</b>
Long-distance Telephone	\$74.06
Reproduction Costs	\$91.25
Overnight Delivery	\$220.88
Computer Research	\$1,161.49
Telecopier Charges	\$66.00
Litigation Fund Assessment	\$12,500.00
<b>TOTALS:</b>	<b>\$14,113.68</b>